

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

MOHAMED ELBRUKI,)	Case No. CV 10-3391-DMG
)	(PLAx)
Plaintiff,)	
)	ORDER REMANDING
vs.)	ACTION TO STATE COURT
)	
MARIA DEJESUS; DOES 1 to 10,)	JS-6
)	
Defendants.)	

On May 6, 2010, *pro se* defendant Maria de Jesus filed a notice of removal of Case No. 10U00383, originally filed in the Los Angeles Superior Court. Defendant asserts that because the claim asserted herein arises under federal law, this court has subject matter jurisdiction over this action. Defendant also claims that this court has subject matter jurisdiction based on diversity of citizenship.


The underlying complaint, however, asserts a single claim for unlawful detainer, a state law claim. As such, the claim does not arise under federal law. As for defendant's claim that there is diversity of citizenship, it appears that both plaintiff and defendant are California citizens. The complaint attached to the notice of removal lists *pro se* plaintiff's address in Long Beach, California. According to the notice of removal, defendant states that she too is a citizen of California. Because both plaintiff and defendant are citizens of the same state, diversity of citizenship does not exist. 28 U.S.C. section 1332. Moreover,

1 pursuant to 28 U.S.C. section 1441(b), a case not founded on federal question
2 jurisdiction is not removable if any defendant is a citizen of the state in which the
3 action is brought.

4 Accordingly,

5 IT IS ORDERED that is action is hereby remanded to the Superior Court of
6 California, County of Los Angeles, Huntington Park Courthouse, 6548 Miles Ave.,
7 Huntington Park, California 90255.

8
9 Dated: May 26, 2010

10
11 
12 DOLLY M. GEE
United States District Judge